REMARKS

Summary

Prior to entry of the foregoing amendment, Claims 7-10, 12, 19 and 22 were currently being examined. Claim 10 has been canceled without prejudice or disclaimer. Claims 7-9, 12, 19 and 22 have been amended without adding new matter. Upon entry of the foregoing amendment, Claims 7-9, 12, 19 and 22 are currently being examined. Applicant respectfully requests reconsideration of Claims 7-9, 12, 19 and 22 in view of the amendments above and the remarks below.

Rejections Under 35 U.S.C. § 103

Claims 7-10, 12, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hannuksela et al. (U.S. 2001/0040700 A1), Klein Gunnewiek et al. (U.S. 2003/0086622 A1), and Lee (US 2003/0156198 A1).

Claim 7 is directed to an image processing apparatus. The image processing apparatus of Claim 7 includes: "(a) an input unit configured to input image data; (b) a first coding unit configured to encode the input image data by transforming the input image data into frequency components in units of blocks and coding said frequency components by adaptively using an intracoding mode and an intercoding mode; (c) a pseudo-coded reference data generating unit configure to generate pseudo-coded reference by coding frequency components obtained by limiting frequency components which are obtained by transforming image data obtained by performing local decoding on the image data coded by said first coding unit; (d) a switching unit configure to output the pseudo-coded reference data generated by said pseudo-coded reference data generating unit when coding process is performed in the intercoding mode; and (e) a multiplexing unit configured to output a stream of multiplexed data obtained by storing the pseudo-coded reference data outputted by the switching unit into a user data area in a video plane object in a stream of the image data encoded by

the first coding unit in a case where the coding process is performed in the intercoding mode, and to output a stream of data in which the pseudo-coded reference data is not stored in a case where the coding process is performed in the intracoding mode. (emphasis added).

Claim 7 includes features, *inter alia*, that the pseudo-coded reference data is output when the coding process is performed in the intercoding mode, and the pseudo-coded reference data is not output when the coding process is performed in the intracoding mode.

The Klein Gunnewiek et al. reference discloses a switch (switch 366) for outputting the enhancement data, in Fig. 3. The switch is for outputting the enhancement data to any frames of an I-picture, a P-picture, and a B-picture. The Klein Gunnewiek et al. reference does not teach or suggest "a multiplexing unit configured to output a stream of multiplexed data obtained by storing the pseudo-coded reference data outputted by the switching unit into a user data area in a video plane object in a stream of the image data encoded by the first coding unit in a case where the coding process is performed in the intercoding mode, and to output a stream of data in which the pseudo-coded reference data is not stored in a case where the coding process is performed in the intracoding mode" as in Claim 7.

The Hannuksela et al. reference discloses the bit stream including a further codeword SRPN, in Fig. 7. The SRPN disclosed in Hannuksela is supplemental information. That is, the SRPN is not the pseudo-coded reference data. The Hannuksela et al. reference does not teach or suggest "a multiplexing unit configured to output a stream of multiplexed data obtained by storing the pseudo-coded reference data outputted by the switching unit into a user data area in a video plane object in a stream of the image data encoded by the first coding unit in a case where the coding process is performed in the intercoding mode, and to output a stream of data in which the pseudo-coded reference data is not stored in a case where the coding process is performed in the intracoding mode" as in Claim 7.

As described above, Claim 7 includes features not taught or suggested by the Klein Gunnewiek et al. and the Hannuksela et al. references, when taken either alone or in combination. Claim 7 is not rendered obvious by the Klein Gunnewiek et al. and the Hannuksela et al. references. Claim 7 is believed allowable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 7.

Independent Claims 19 and 22 include similar features to Claim 7 and are believed allowable for at least the same reasons as Claim 7.

Because each independent Claim is believed allowable, all of the claims depending therefrom, i.e., Claims 8-9 and 12, are also believed allowable for at least the same reasons as discussed above with reference to the independent claims. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

CONCLUSION

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

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Should the Examiner have any questions, the Examiner may contact Applicant's representative at the telephone number below.

Respectfully submitted,

March 5, 2009   /Marlene Klein/

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